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## TO THE HONORABLE COURT AND TO ALL PARTIES HEREIN:

PLEASE TAKE NOTICE THAT the parties hereby submit their [Proposed] Competing Special Verdict Forms. The parties reserve their right to amend their [Proposed] Special Verdict Forms to the extent permitted by this Honorable Court.

Plaintiffs object to the entirety of Defendants' proposed special verdict form, on the grounds detailed herein and within Plaintiffs' Memorandum of Contentions of Fact and Law, Plaintiffs' portions of the Pre-Trial Conference Order, and Plaintiffs' positions stated in the disputed jury instructions. Plaintiffs reserve their right to assert further objections based on the Court's pretrial rulings and any arguments made during the pretrial conference in this matter. Plaintiffs submit that their proposed special verdict form accurately and objectively tracks the required legal elements for their claims.

Defendants likewise object to the entirety of Plaintiffs' proposed special verdict form and offer their proposed special verdict form herein, and which accurately and objectively tracks the required legal elements for the claims being asserted against them.

Respectfully submitted,

DATED: May 17, 2024 LAW OFFICES OF DALE K. GALIPO

By /s/ Renee V. Masongsong
Dale K. Galipo

Renee V. Masongsong Shannon J. Leap Attorneys for Plaintiffs

COMPETING VERDICT FORMS

1	Date: May 17, 2024	STONE BUSAILAH, LLP
2		~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~
3		
4		By: /s/ Muna Busailah
5		MUNA BUSAILAH, Esq. Attorney for Defendants JOSE ZAVALA,
6		JULIO QUINTANILLA
7		
8		
9		
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<ul><li>25</li><li>26</li></ul>		
27		
28		3
20		COMPETING VERDICT FORMS

1	PLAINTIFFS' PROP	OSED SPECIAL V	ERDICT FORM
2			
3	We the jury in the above-entitled case find as follows:		
4			
5	EXCESSIVE	FORCE AND BAT	TERY CLAIM
6	OUESTION 1. Did any of the of	ficer defendants use e	vcessive and/or
7	QUESTION 1: Did any of the officer defendants use excessive and/or unreasonable force against Margarito E. Lopez?		
8	diffeasonable force against warga.	ino L. Lopez:	
9	Jose Zavala	YES	NO
11			
12	Julio Quintanilla	YES	NO
13			
14	If you gave any "Yes" answ	vers to Question 1, pl	ease answer Question 2.
15	If you did not give any "Yes	s" answers to Questic	on 1, please proceed to
16	Question 3.		
17			
18			
19	QUESTION 2: Was the use of ex	ccessive and/or unreas	sonable force by any of the
20	following officers a cause of harm	n, damage, injury, los	s, or death to Margarito
21	Lopez?		
22			
23	Jose Zavala	YES	NO
24			
25	Julio Quintanilla	YES	NO
26			
27	Please proceed to Question 3.	4	
28	CC	4 OMPETING VERDICT FOR	MS

1	FOURTEENTH AMENDMENT CLAIM	
2	2	
3	<sup>3</sup> <b>QUESTION 3:</b> Did any of the officer defendants interfere with Plaintiff Ma	rgarito
4	4 T. Lopez's familial relationship with his son, Margarito Lopez?	
5	5	
6	6 Jose Zavala YES NO	
7		
8	8 Julio Quintanilla YES NO	
9	9	
10	10   Please proceed to the next Question.	
11	11   Trease proceed to the next Question.	
12		
13	13 NEGLIGENCE CLAIM	
14		
15		to
16	16 Lopez?	
17	17	
18	Jose ZavalaNO	
19	Julio Quintanilla YES NO	
20		
21	If you gave any "yes" answers to Question 4, please proceed to Question 5.	If you
22	$22$ $\parallel$ answered "no" to Question 4 as to both defendants, please proceed to Quest	ion 9.
23	23    ///	
24		
25	25    ///	
26	26   ///	
27		
28	28 COMPETING VERDICT FORMS	

1	QUESTION 5: Was the negligence	of any of the defendant of	officers a cause of
2	injury and/or death to Margarito Lop	pez?	
3	Jose Zavala	YES	NO
4			
5	Julio Quintanilla	YES	NO
6			
7	If you gave any "yes" answers to Qi		
8	answered "no" to Question 5 as to b	oth defendants, please p	roceed to Question 9.
9			
10	QUESTION 6: Was Margarito Lop	ez negligent?	
11	QCESTION Was Marganic Esp		
12		YES	NO
13			
14	   If you answered "Yes" to Question (	6 nlease answer Questio	n 7
15	If you answered Tes to Question (	, pieuse unswer Question	<i></i>
16	If you answered "No" to Question 6	, please proceed to Ques	tion 9.
17			
18	QUESTION 7: Was Margarito Lop	ez's negligence a cause (	of his injury and/or
19		cz s negligence a cause c	or mis mjury and/or
20	death?		
21			
22		YES	NO
23			
24	   If you answered "Yes" to Question [	7, please answer Questio	n 8. If you answered
25	"No" to Question 7, please proceed		
26	2	<b>~</b>	
27		6	
28	COM	PETING VERDICT FORMS	
	<del> </del>		

1	QUESTION 8: What percentage of negligence that was a cause of Margarito		
2	Lopez's death do you assign to the officer defendants, and what percentage of		
3	negligence that was a cause of Margarito Lopez's injury and/or death do you assign		
4	to Margarito Lopez, if any? (Your total should equal 100%).		
5			
6	Jose Zavala %		
7	Julio Quintanilla %		
8			
9	Margarito Lopez %		
10			
11	Please proceed to the next Question.		
12			
13	RANE ACT CLAIM		
14	BANE ACT CLAIM		
15	OTIECTION 0. Did and office death of the Dans And because force		
16	QUESTION 9: Did any officer defendant violate the Bane Act by using force		
17	against Margarito Lopez?		
18	Jose Zavala YES NO		
19	Julio Quintanilla YESNO		
20			
21	Please proceed to the next Question.		
22			
23			
24			
25			
26			
27	7		
28	COMPETING VERDICT FORMS		

1	NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS CLAIM
2	
3	QUESTION 10: Did any officer defendant negligently inflict severe emotional
4	distress on Plaintiff Margarito T. Lopez?
5	Jose Zavala YESNO
6	Julio Quintanilla YES NO
7	74110 Quintainna110
8	Please proceed to the next Question.
9   10	
11	QUESTION 11: Did any officer defendant negligently inflict severe emotional
12	distress on Plaintiff Sonia Torres?
13	Jose Zavala YESNO
14	Julio Quintanilla YES NO
15	
16	Please proceed to the next Question.
17	
18	QUESTION 12: Did any officer defendant negligently inflict severe emotional
19	distress on Plaintiff Keni Lopez?
20	Jose Zavala YESNO
21	Julio Quintanilla YES NO
22	
23   24	Please proceed to the next Question.
24 25	
26   26	
27	
28	8 COMPETING VERDICT FORMS
	COMPETING VERDICT FORMS

1	QUESTION 13: Did any officer defendant negligently inflict severe emotional
2	distress on Plaintiff Rosy Lopez?
3	Jose Zavala YESNO
4	Julio Quintanilla YES NO
5	3uno Quintanna 1L5110
6	Please proceed to the next Question.
7	
8 9	<u>DAMAGES</u>
10	
11	QUESTION 14: What are Margarito E. Lopez's damages for his pre-death pain
12	and suffering?
13	
14	\$
15	Φ
16	Answer Question 15 only if you answered "yes" to Questions 1 and 2.
17	
18	QUESTION 15: What are Margarito E. Lopez's damages for his loss of life?
19	
20	
21	\$
22   23	
24	Please proceed to the next Question.
25	
26	
27	
28	9 COMPETING VERDICT FORMS
	COMPETING VERDICT FORMS

1	QUESTION 16: What are Plaintiff Margarito T. Lopez's wrongful death damages
2	for the loss of his son, Margarito E. Lopez?
3	Past wrongful death damages \$
4	
5	Future wrongful death damages \$
6 7	Please proceed to the next question, but only answer Question 17 if you gave any
8	"yes" answers to questions 10, 11, 12, or 13.
9	yes emswers to questions 10, 11, 12, or 10.
10 11	QUESTION 17: What are the Plaintiffs' damages for their emotional distress
12	suffered as a result of their contemporaneous awareness of Margarito Lopez's
13	injuries and/or death?
14	Sonia Torres' past emotional distress \$
15 16	Sonia Torres' future emotional distress \$
17 18	Keni Lopez's past emotional distress \$
19	Keni Lopez's future emotional distress \$
20 21	Rosy Lopez's past emotional distress \$
22 23	Rosy Lopez's future emotional distress \$
24 25	Margarito T. Lopez's past emotional distress \$
26	Margarito T. Lopez's future emotional distress \$
27	10
28	COMPETING VERDICT FORMS

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1	DEFENDANTS' PROPOSED SPECIA	L VERDICT FO	ORM	
2				
3	WE, THE JURY in the above-entitled ac	tion, unanimously	y find as follows	
4	on the questions submitted to us:			
5				
6	CLAIMS BASED ON ALLEGED UNLAWF	UL USE OF DE	ADLY FORCE	
7				
8	QUESTION NO. 1: Did either of the follo	wing Defendants	s used unlawful	
9	deadly force against Margarito Edvin Lope	ez in violation	of his Fourth	
1	Amendment Constitutional Rights?			
2	Answer (check "Yes" or "No") following	the name of each	Defendant:	
3				
4	OFFICER JOSE ZAVALA	YES	NO	
5	OFFICER JULIO QUINTANILLA	YES	NO	
6	If you answered "No" as to each Defendant, ple	ase proceed to Q	uestion No. 4.	
7	If you answered "Yes" as to any Defendant, pleas	se proceed to Qu	estion No. 2.	
8				
9	QUESTION NO. 2: If you answered "Yes" as t	to any Defendant	in Question No.	
0	1, was the Defendants' conduct the cause of inju	ry to Margarito E	Edvin Lopez?	
1	Answer (check "Yes" or "No") following	Answer (check "Yes" or "No") following the name of each Defendant for		
2	whom you answered "Yes" in response to Quest	ion No. 1:		
3				
4	OFFICER JOSE ZAVALA	YES	NO	
5	OFFICER JULIO QUINTANILLA	YES	NO	
:6	Please proceed to Question No. 3.			
27	12			
8.	12 COMPETING VERDI	CT FORMS		

1			
2	QUESTION NO. 3: As it relates to Plaintiffs' w	rongful deatl	h battery claim under
3	California state law, if you answered "Yes" as to any Defendant in Question No.		
4	1, was either of the Defendant's conduct a subs	tantial factor	in causing the death
5	of Margarito Edvin Lopez?		
6	Answer (check "Yes" or "No") following	g the name of	f each Defendant for
7 8	whom you answered "Yes" in response to Quest	tion No. 1:	
9	OFFICER JOSE ZAVALA	YES	NO
ر ا ا	OFFICER JULIO QUINTANILLA	YES	NO
2	Please proceed to Question No. 4.		
.			
	QUESTION NO. 4: As it relates to Plaintiff's	wrongful dea	ath negligence claim
5	QUESTION NO. 4: As it relates to Plaintiff's under California state law, if you answered	_	
5		"Yes" as to	o any Defendant in
5	under California state law, if you answered	"Yes" as to	o any Defendant in
; ;	under California state law, if you answered Question No. 1, was either of the Defendant'	"Yes" as to s conduct a	o any Defendant in substantial factor in
33 H	under California state law, if you answered Question No. 1, was either of the Defendant' causing the death of Margarito Edvin Lopez?	"Yes" as to s conduct a g the name of	o any Defendant in substantial factor in
	under California state law, if you answered Question No. 1, was either of the Defendant' causing the death of Margarito Edvin Lopez?  Answer (check "Yes" or "No") following	"Yes" as to s conduct a g the name of	o any Defendant in substantial factor in
	under California state law, if you answered Question No. 1, was either of the Defendant' causing the death of Margarito Edvin Lopez?  Answer (check "Yes" or "No") following whom you answered "Yes" in response to Quest  OFFICER JOSE ZAVALA	"Yes" as to s conduct a g the name of tion Nos. 1:	o any Defendant in substantial factor in feach Defendant for NO
3	under California state law, if you answered Question No. 1, was either of the Defendant' causing the death of Margarito Edvin Lopez?  Answer (check "Yes" or "No") following whom you answered "Yes" in response to Quest  OFFICER JOSE ZAVALA  OFFICER JULIO QUINTANILLA	"Yes" as to s conduct a s the name of tion Nos. 1:  YES YES	o any Defendant in substantial factor in feach Defendant for NO NO
3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3	under California state law, if you answered Question No. 1, was either of the Defendant' causing the death of Margarito Edvin Lopez?  Answer (check "Yes" or "No") following whom you answered "Yes" in response to Quest  OFFICER JOSE ZAVALA  OFFICER JULIO QUINTANILLA  If you answered "No" as to each Defendant, ple	"Yes" as to s conduct a s conduct a s the name of the name of the YES YES ase proceed .	o any Defendant in substantial factor in feach Defendant for NO NO to Question No. 8.
5   6   6   7   7   7   7   7   7   7   7	under California state law, if you answered Question No. 1, was either of the Defendant' causing the death of Margarito Edvin Lopez?  Answer (check "Yes" or "No") following whom you answered "Yes" in response to Quest  OFFICER JOSE ZAVALA  OFFICER JULIO QUINTANILLA	"Yes" as to s conduct a s conduct a s the name of the name of the YES YES ase proceed .	o any Defendant in substantial factor in feach Defendant for NO NO to Question No. 8.
5   6   7   7   8   8   8   8   8   8   8   8	under California state law, if you answered Question No. 1, was either of the Defendant' causing the death of Margarito Edvin Lopez?  Answer (check "Yes" or "No") following whom you answered "Yes" in response to Quest  OFFICER JOSE ZAVALA  OFFICER JULIO QUINTANILLA  If you answered "No" as to each Defendant, ple	"Yes" as to s conduct a s conduct a s the name of the name of the YES YES ase proceed .	o any Defendant in substantial factor in feach Defendant for NO NO to Question No. 8.
4   5   6   7   8   9   0   1   2   3   4   5   6   7   8	under California state law, if you answered Question No. 1, was either of the Defendant' causing the death of Margarito Edvin Lopez?  Answer (check "Yes" or "No") following whom you answered "Yes" in response to Quest  OFFICER JOSE ZAVALA  OFFICER JULIO QUINTANILLA  If you answered "No" as to each Defendant, ple	"Yes" as to s conduct a s conduct a s the name of tion Nos. 1:  YES YES vase proceed to see proceed to	o any Defendant in substantial factor in feach Defendant for NO NO to Question No. 8.

1	QUESTION NO. 5: Was Margarito Edvin Lopez negligent?
2	
3	YES NO
4	If you answered "No", please proceed to Question No. 8.
5	If you answered "Yes", please proceed to Question No. 6.
6	///
7	///
8	QUESTION NO. 6: Was Margarito Edvin Lopez's negligence a substantial
9	factor in the cause of his death?
11	YES NO
12	Please proceed to question No. 7.
3	
4	QUESTION NO. 7: What percentage of negligence do you assign to each of the
15	following persons? (Your total should equal 100%).
16	
7	Margarito Edvin Lopez%
18	Officer Jose Zavala%
19	Officer Julio Quintanilla%
20	
21	Total 100 %
22	
23   24	Please proceed to question No. 8.
24 25	
26	QUESTION NO. 8: If you answered "Yes" as to any Defendants in Question
27	No. 1 answer the following question. Otherwise, please proceed to Question No.
28	14
	COMPETING VERDICT FORMS

1	10. Did either of the Defendant's conduct violated Margarito Edvin Lopez's state			
2	civil rights by deliberately using unlawful deadly force against him?			
3	Answer (check "Yes" or "No") following the name of each Defendant for			
4	whom you answered "Yes" in response to Question No. 1:			
5				
6	OFFICER JOSE ZAVALA YES NO			
7	OFFICER JULIO QUINTANILLA YES NO			
8	If you answered "No" as to each Defendant, please proceed to Question No. 10.			
9	If you answered "Yes" as to any Defendant, please proceed to Question No. 9.			
10	QUESTION NO. 9: If you answered "Yes" as to any Defendant in Question No.			
12	8, were either of the Defendant's conduct a substantial factor in the cause of death			
3	to Margarito Edvin Lopez?			
4	Answer (check "Yes" or "No") following the name of each Defendant for			
15	whom you answered "Yes" in response to Question Nos. 1:			
16				
7	OFFICER JOSE ZAVALA YES NO			
18	OFFICER JULIO QUINTANILLA YES NO			
19				
20	Please proceed to Question No. 10.			
21				
22	CLAIMS BASED ON ALLEGED INTERFERENCE WITH A FAMILIAL			
23	RELATIONSHIP			
24   25	QUESTION NO. 10: If you answered "Yes" in Question Nos. 1 and 2, answer			
26   26	the following question. If you answered "No", please proceed to Question No.			
27	12. Did either of the Defendants violate Plaintiff Margarito T. Lopez's			
28	15			
	COMPETING VERDICT FORMS			
- 1	1			

1	Fourteenth Amendment Constitutional Rights to a parental relationship with		
2	Margarito Edvin Lopez by using deadly force against that was unrelated to		
3	legitimate law enforcement objectives?		
4	Answer (check "Yes" or "No") following the name of each Defendant for		
5	whom you answered "Yes" in response to Question Nos. 1 and 2:		
6			
7	OFFICER JOSE ZAVALA YES NO		
8	OFFICER JULIO QUINTANILLA YES NO		
9			
10 11	If you answered "No" as to each Defendant, please proceed to Question No. 12.		
12	If you answered "Yes" as to any Defendant, please proceed to Question No. 11.		
13	QUESTION NO. 11: If you answered "Yes" as to either Defendant in Question		
14	No. 10, was either of the Defendant's conduct the cause of injury to him?		
15	Answer (check "Yes" or "No") following the name of each Defendant for		
16	whom you answered "Yes" in response to Question No. 10:		
17			
18	OFFICER JOSE ZAVALA YES NO		
19	OFFICER JULIO QUINTANILLA YES NO		
20			
21	Please proceed to Question No. 12.		
22			
23	CLAIMS BASED ON ALLEGED EMOTIONAL DISTRESS		
24			
25	Answer Questions No. 12 through 27 only if you answered "Yes" to Question Nos.		
26	1 and 2.		
27	16		
28	COMPETING VERDICT FORMS		

If you answered "No" in response to either of those Questions, please have the
presiding juror sign and date where indicated below.
QUESTION 12: Was Plaintiff Margarito T. Lopez present at the scene when
either of the Defendants deployed their weapons that caused the death Margarito
Edvin Lopez?
OFFICER JOSE ZAVALAYESNO
OFFICER JULIO QUINTANILLA YES NO
If you answered "Yes" as to any Defendant, please proceed to Question No. 13.  If you answered "No" as to both Defendants, please proceed to Question 16.
g yeu ama werea 'i ie 'ea a e e a a e e genaama, preedae preede de geneamen i e e
QUESTION 13: Was Margarito T. Lopez then aware that the deployment of
either of the Defendants' weapons was causing the death of Margarito Edvin
Lopez?
OFFICED IOSE ZAVALA VES NO
OFFICER JOSE ZAVALAYESNO
OFFICER JULIO QUINTANILLA YESNO
If you answered "Yes" as to any Defendant, please proceed to Question No. 14.
If you answered "No" as to both Defendants, please proceed to Question No. 16.
QUESTION 14: Has Margarito T. Lopez suffered serious emotional distress?
17 COMPETING VERDICT FORMS

1	YES	NO	_	
2	If you answered "Y	es" as to any Defendan	t, please proceed to Qu	uestion No. 15.
3 4	If you answered "N	Io" as to both Defendan	ts, please proceed to <b>Q</b>	Question No. 16.
5 6 7 8	causing Margarito	Vas either of the Defend Γ. Lopez's emotional dis OSE ZAVALA		ubstantial factor in  NO
9				
10	OFFICER JULIO	QUINTANILLA	YES	NO
11 12	Please proceed to t	he next Question.		
13 14 15 16		Was Sonia Torres pre		
17	OFFICER JO	OSE ZAVALA	YES	NO
18 19	OFFICER JULIO	QUINTANILLA	YES	NO
20	If you answered "Y	es" as to any Defendan	t, please proceed to Qi	uestion No. 17.
21	If you answered "N	lo" as to both Defendan	ts, please proceed to <b>Q</b>	Question No. 20.
23 24 25		Vas Sonia Torres then avons was causing the death		
26 27	OFFICER JO	OSE ZAVALA	YES	NO
28		18 COMPETING	VERDICT FORMS	

1	
2	OFFICER JULIO QUINTANILLA YESNO
3 4	If you answered "Yes" as to any Defendant, please proceed to Question No. 18.
5	If you answered "No" as to both Defendants, please proceed to Question No. 20.
6	
7	<b>QUESTION 18:</b> Has Sonia Torres suffered serious emotional distress?
8	YES NO
9	If you answered "Yes" as to any Defendant, please proceed to Question No. 19.
10	If you answered "No" as to both Defendants, please proceed to Question No. 20.
11	
12	<b>QUESTION 19:</b> Was either of the Defendants' conduct was a substantial factor in
13	causing Sonia Torres' emotional distress?
14	
15	OFFICER JOSE ZAVALA YESNO
16 17	OFFICER JULIO QUINTANILLA YESNO
18 19	Please proceed to the next Question.
20	QUESTION 20: Was Keni Lopez present of the scene when either of the
21	Defendants deployed their weapons that caused the death Margarito Edvin Lopez?
22	Defendants deproyed their weapons that caused the death Wargarito Edvin Lopez:
23 24	OFFICER JOSE ZAVALA YESNO
25	OFFICER JULIO QUINTANILLA YES NO
26	If you answered "Yes" as to any Defendant, please proceed to Question No. 21.
27	If you answered "No" as to both Defendants, please proceed to Question No. 24.
28	19
-	COMPETING VERDICT FORMS
	+

1	
2	QUESTION 21: Was Keni Lopez then aware that the deployment of either of the
3	Defendants' weapons was causing the death of Margarito Edvin Lopez?
4	
5	OFFICER JOSE ZAVALA YESNO
6	OFFICER JULIO QUINTANILLA YES NO
7	OTTICER JOETO CONTINUEN TES TO
8	If you answered "Yes" as to any Defendant, please proceed to Question No. 22.
10	If you answered "No" as to both Defendants, please proceed to Question No. 24.
11	
12	QUESTION 22: Has Keni Lopez suffered serious emotional distress?
13	YES NO
14	If you answered "Yes" as to any Defendant, please proceed to Question No. 23.
15	If you answered "No" as to both Defendants, please proceed to Question No. 24.
16	
17	QUESTION 23: Was either of the Defendants' conduct a substantial factor in
18	causing Keni Lopez's emotional distress?
19	
20	OFFICER JOSE ZAVALA YES NO
21	OFFICER JULIO QUINTANILLAYESNO
22	
<ul><li>23</li><li>24</li></ul>	Please proceed to the next Question.
25	
26	QUESTION 24: Was Rosy Lopez present of the scene when either of the
27	Defendants deployed their weapons that caused the death Margarito Edvin Lopez?
28	20 COMPETING VERDICT FORMS
	COMPETING VERDICT FORMS

1			
2	OFFICER JOSE ZAVALA	YES	NO
3	OFFICER JULIO QUINTANILLA	YES	NO
5	If you answered "Yes" as to any Defendant, p.	lease proceed to Que	estion No. 25.
6 7	If you answered "No" as to both Defendants,	please proceeding to	Question No. 28.
8			
9	<b>QUESTION 25:</b> Was Rosy Lopez then aware	that the deployment	t of either of the
10	Defendants' weapons was causing the death or	f Margarito Edvin Lo	opez?
11	OFFICER JOSE ZAVALA	YES	NO
12	OFFICER JOSE ZAVALA	1 E3	NO
13	OFFICER JULIO QUINTANILLA	YES	NO
14			
15	If you answered "Yes" as to any Defendant, p.	lease proceed to Que	estion No. 26.
16	If you answered "No" as to both Defendants,	please proceeding to	Question No. 28.
17			
18	<b>QUESTION 26:</b> Has Rosy Lopez suffered ser	rious emotional distr	ess?
19	YES NO		
20	If you answered "Yes" as to any Defendant, p.	lease proceed to Que	estion No. 27.
21	If you answered "No" as to both Defendants,	please proceeding to	Question No. 28.
22		-	
23	QUESTION 27: Was either of the Defendant	s' conduct was a sub	ostantial factor in
24	causing Rosy Lopez's emotional distress?		
25			
26		A TOTAL	
27	OFFICER JOSE ZAVALA	YES	NO
28	21		
-	COMPETING VER	RDICT FORMS	

1	1	
2	2 OFFICER JULIO QUINTANILLA YES	NO
3	Please proceed to the next Question.	
4		
5 6	PRELIMINARY OUESTION RE PUNITIVE DAMA	GES
7	OUESTION NO 28. If you gave any "Ves" responses to Question N	os. 2 and/or
8	11 places answer the following question. Otherwise places proceed	to Question
9	No. 12 Was Defendant's and death medicions and medicions and in medicions	ss disregard
0	of Margarito Edvin Lopez's rights?	
1	1 Answer (check "Yes" or "No") following the name of each De	efendant for
2	2 whom you answered "Yes" in response to Question Nos. 2 and/or 11:	
3	3	
4	4 OFFICER JOSE ZAVALAYES	NO
5 6	OFFICER JULIO QUINTANILLA YES	NO
7		
8	8	
9	9 QUESTION NO. 29: Was Defendant's conduct malicious or oppres	cive towards
0.		sive towards
1.1		efendant for
22	whom you answered "Yes" in response to Question No. 9:	rejenaam jor
23	3	
24	OFFICER IOSE ZAVALA VES NO	0
25	OFFICER IIII IO OLIINTANII I A VES N	
		<u> </u>
27	22	
:8	COMPETING VERDICT FORMS	

1	
2	If you answered "Yes" as to any Defendant in Question No. 9, please answer
3	Question No. 14. If you did not answer Question No. 9 or answered "No" as to
4	each Defendant in Question No. 9, please sign and date this verdict form and
5	return it to the Court.
6	
7	
8   9	Please date and sign this verdict form, and return it to the Court. Thank you.
0	
11	Dated: Signed:
12	Jury Foreperson
3	
4	
15	PHASE II DAMAGES
16	
7	QUESTION NO. 30: If you answered "Yes" as to any Defendant in Question
8	Nos.1 and 2, please answer the following. Otherwise, please proceed to Question
19	No. 31.
20	What is the total amount of damages suffered by Margarito Edvin Lopez for
21	violation of his federal constitutional rights? (Do NOT reduce the damages based
22	on the fault if any of any person or entity.) \$
23	
24	Please proceed to Question No. 31.
25	
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27	23
28	COMPETING VERDICT FORMS

1	QUESTION NO. 31: If you answered "Yes" as to any Defendant in Question
2	Nos. 1, 2, 8 and 9, please answer the following question. Otherwise, please
3	proceed to Question No. 32. What is the total amount of damages suffered by
4	Margarito Edvin Lopezfor violation of his state constitutional rights? (Do NOT
5	reduce the damages based on the fault if any of any person or entity.)
6	\$
7	
8	Please proceed to Question No. 32.
9	
10	QUESTION NO. 32: If you answered "Yes" to Question Nos. 1, 2, 10 and 11,
11	please answer the following questions. Otherwise, please proceed to Question No.
12	32. What is the total amount of damages suffered by Plaintiff Margarito T. Lopez
13	for violation of his federal constitutional right to a parental relationship with
14	Margarito Edvin Lopez? (Do NOT reduce the damages based on the fault if any
15	of any person or entity.) \$
16   17	or any person or enary.) $\varphi$
18	Please proceed to Question No. 33.
19	rease proceed to Question 110. 33.
20	QUESTION NO. 33: If you answered "Yes" to Question Nos. 3 and/or 5, please
21	answer the following question. Otherwise, please proceed to Question No. 34.
22	What is the total amount of damages suffered by Plaintiffs for their state law
23	claims based on the wrongful death of Margarito Edvin Lopez? (Do NOT reduce
24	
25	the damages based on the fault if any of any person or entity.)
26	Economic \$
27	Non-economic \$
28	24 COMPETING VERDICT FORMS
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1	
2	Please proceed to Question No. 34.
3	
4	
5	QUESTION NO. 34: If you answered "Yes" to Question Nos. 12, 13, 14, and 15,
6	please answer the following question. Otherwise, please proceed to Question No.
7	35.
8	What is the total amount of damages suffered by Margarito T. Lopez for his state
9	law claims based on emotional distress? (Do NOT reduce the damages based on
10   11	the fault if any of any person or entity.)
12	Economic \$
13	Non-economic \$
14	
15	Please proceed to Question No. 35.
16	
17	QUESTION NO. 35: I If you answered "Yes" to Question Nos. 16, 17, 18, and
18	19, please answer the following question. Otherwise, please proceed to Question
19	No. 36.
20	
21	What is the total amount of damages suffered by Sonia Torres for her state law
22	claims based on emotional distress? (Do NOT reduce the damages based on the
23	fault if any of any person or entity.)
24	Economic \$
25	Non-economic \$
26	
27	25
28	COMPETING VERDICT FORMS

1	Please proceed to Question No. 36.
2	
3	QUESTION NO. 36: If you answered "Yes" to Question Nos. 20, 21, 22, and
4	23, please answer the following question. Otherwise, please proceed to Question
5	No. 37.
6	What is the total amount of damages suffered by Keni Lopez for his state law
7	claims based on emotional distress? (Do NOT reduce the damages based on the
8	fault if any of any person or entity.)
9	Economic \$
10   11	Non-economic \$
12	
13	Please proceed to Question No. 37.
14	
15	QUESTION NO. 37: If you answered "Yes" to Question Nos. 24, 25, 26, and
16	27, please answer the following question. Otherwise, please proceed to Question
17	No. 38.
18	What is the total amount of damages suffered by Rosy Lopez for her state law
19	claims based on emotional distress? (Do NOT reduce the damages based on the
20	fault if any of any person or entity.)
21	Economic \$
22	Non-economic \$
23	
24	Please proceed to Question No. 38.
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28	26 COMPETING VERDICT FORMS

1	QUESTION NO. 38: If you gave any "Yes" as to any Defendant in response to
2	Question No. 28, please answer the following question. Otherwise, please sign
3	and date this verdict form and return it to the Court. What is the total amount of
4	punitive damages to be imposed against the Defendant?
5	Answer following the name of each Defendant for whom you answered
6	"Yes" in response to Question No. 28.
7	105 in response to guestion 170. 20.
8	OFFICER JOSE ZAVALA \$
9	OFFICER JULIO QUINTANILLA \$
10	official quittinicial q
11	QUESTION NO. 39: If you gave any "Yes" as to any Defendant in response to
12	Question No. 29, please answer the following question. Otherwise, please sign
13	and date this verdict form and return it to the Court. What is the total amount of
14	punitive damages to be imposed against the Defendant?
15	Answer following the name of each Defendant for whom you answered
16	"Yes" in response to Question No. 29.
17	Tes in response to Question No. 29.
18   19	OFFICED IOSE ZAMALA
20	OFFICER JOSE ZAVALA \$
20 21	OFFICER JULIO QUINTANILLA \$
22	
23	
24	Please date and sign this verdict form, and return it to the Court. Thank you.
25	
26	Dated: Signed:
27	Jury Foreperson
28	27
	COMPETING VERDICT FORMS

1	
2	
3    Please date and	sign this verdict form below, and return it to the Court. Thank
4    <sub>you</sub> .	
5    ¯	
Dated:	Signed:
7	Jury Foreperson
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8	28 COMPETING VERDICT FORMS

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## PLAINTIFF'S OBJECTIONS TO DEFENDANTS' VERDICT FORM

Plaintiffs object to Defendants' inclusion of the word "unlawful" in Question 1 and Question 8 of Defendants' verdict form, which implies a criminal standard. The question here is not whether Defendants engaged in criminal conduct, but Defendants' use of the word "unlawful" indicates otherwise and would confuse the jury and prejudice Plaintiff because the jurors are likely to believe that they cannot render a verdict in Plaintiff's favor unless Plaintiffs prove that Defendants' conduct was contrary to criminal law.

Plaintiffs further object to Defendants' Question No. 8 as confusing in addition to providing the incorrect standard. This appears to apply to the Bane Act claim but does not refer to his state civil rights or the requisite "reckless disregard" standard on this claim.

Plaintiffs object to inclusion of the term "substantial factor" within the applicable causation questions. The jury will be appropriately instructed on causation. Reiterating the standard of causation in each causation question on the verdict form is confusing and may mislead the jury into thinking that a higher standard of causation is necessary. Here, it is undisputed that the gunshots caused Mr. Lopez's death.

Plaintiffs object to the language "unrelated to legitimate law enforcement objectives" in Defendants' Question No. 10. The jury will need to decide whether the "deliberate indifference" or "purpose to harm" standard applies to the facts of this case. The verdict form cannot presuppose that the officers did not have time to deliberate. Therefore, Defendants' version of the Fourteenth Amendment question does not accurately represent the law and is prejudicial against Plaintiffs.

Plaintiffs object to Defendants' proposal that the instructions on damages be given in a separate phase. Plaintiffs propose that the trial of this matter be conducted as

follows: Phase I—liability and compensatory damages, as well as entitlement to punitive damages; Phase II—amount of punitive damages, if any. Plaintiffs are agreeable to the predicate question on punitive damages being given in the first phase of trial and contends that the questions on compensatory damages be given in the first phase of trial.

Plaintiffs object to Defendants' verdict form in its entirety on the grounds that it is convoluted and difficult for the jury to follow. This may result in prejudice to Plaintiffs by forcing the jury to labor through a lengthy, tedious and confusing verdict form.

## **DEFENDANTS' OBJECTIONS TO PLAINTIFFS' VERDICT FORM**

Defendants' verdict form tracks the language of the elements of Plaintiffs' claims, based on their contemporaneously-filed jury instruction. Defendants incorporate herein the arguments and positions taken as provided in the jury instructions and other contemporaneously-filed documents.

Further, Plaintiffs' position regarding inclusion of the legal term 'substantial factor' is without merit; 'substantial factor' is more than an evidentiary standard on which the jury will be instructed – it is an essential element of the claim to prove various of Plaintiffs' causes of action. As such, the verdict form must include the same.

Defendants maintain that the purpose-to-harm standard is applicable to the facts of the instant matter, and that the case be bifurcated between liability and damages in their entirety.

Lastly, that the verdict form is lengthy is not an appropriate reason to object to the form, as it is based fully on the many claims Plaintiffs have asserted in this action.